

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of T.S. and T.R., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SAMANTHA SUMINSKI,

Respondent-Appellant,

and

JASON SUMINSKI,

Respondent.

UNPUBLISHED
February 14, 2003

No. 241863
Livingston Circuit Court
Family Division
LC No. 01-300029-NA

Before: Sawyer, P.J., and Jansen and Donofrio, JJ.

MEMORANDUM.

Respondent Samantha Suminski appeals as of right from the trial court's order terminating her parental rights to the minor child, T.S., pursuant to MCL 712A.19b(3)(b)(ii), (g), (j) and (k).¹ Jason Suminski's parental rights to this minor child were also terminated by the same order, but he is not a party to this appeal. We affirm.

Respondent argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. We review the trial court's findings of fact for clear error. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The evidence clearly and convincingly showed that respondent refused to acknowledge that her husband had injured the recently born child when "bouncing" him on his knee. Only a few weeks later, despite T.S.'s previous injury and diagnosis as a battered baby, respondent again left the child with her

¹ Respondent-mother's parental rights to T.R. were not terminated, and this minor child is not at issue on appeal.

husband, failing to appreciate any possible risk of harm to the child. Once again, respondent's husband "bounced" the child, who was again seriously injured and diagnosed as a battered child with shaken baby syndrome. Even then, respondent was unable to acknowledge that she or her husband had done anything wrong. While we agree that § 19b(3)(k) was not established with respect to respondent (because respondent was not the parent who abused the child), the trial court did not clearly err in finding that the remaining statutory grounds for termination were established by clear and convincing evidence.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. The child was at a critical age for bonding, had only been with respondent for two months, and there was no evidence that respondent was capable of developing the parenting skills necessary to regain custody within a reasonable time. Thus, the trial court did not err in terminating respondent's parental rights to T.S.

Affirmed.

/s/ David H. Sawyer
/s/ Kathleen Jansen
/s/ Pat M. Donofrio